

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 90-02
(March 27, 1990)

**Purchase of Tickets to Support Fund
Raising Activity of State Legislator**

Issues

1. Is it a violation of judicial ethics for a judge to ask a colleague to purchase a dinner ticket to a fund-raising activity for a state legislator and to send a check to the lobbyist coordinating the event.

Answer: No, with qualifications.

2. Does it make any difference if the lobbyist or his agent contacts the judges separately about purchasing tickets for the dinner.

Answer: No, with qualifications.

Facts

Judge A and Judge B are judges of the superior court and members of the Arizona Judges Association. Neither is the presiding judge of the other. A lobbyist for the Arizona Judges Association is on the campaign finance committee of a state senator, and a dinner to raise campaign funds will be held for his benefit. The lobbyist contacts Judge A with this information and asks, pursuant to established procedure, that he contact other superior court judges and request that they send a check for a dinner ticket directly to the lobbyist. Judge A asks Judge B to send a check for the dinner ticket to the lobbyist.

Discussion

17A A.R.S., Supreme Court Rules, Code of Judicial Conduct, Rule 81, Canon 7, provides in part:

A judge is entitled to entertain his personal views on political questions. He is not required to surrender his rights or opinions as a citizen. He should avoid political activity which may give rise to a suspicion of political bias or impropriety. The term "political activity" should not be construed so narrowly as to prevent comment.

A judge may purchase tickets for political dinners or other similar functions. Although attendance at political gatherings is not prohibited, any such attendance should be restricted in such a manner as not to constitute a public endorsement of a cause or candidate otherwise prohibited by these canons.

That portion of the purchase price of the dinner ticket in question in excess of the cost of the function (food, speakers, entertainment and administrative costs) is clearly an indirect political contribution and must be considered as a part of the judge's total allowable contri-

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bution for the calendar year. (Opinion 76-01.) Because the purchase of a dinner ticket represents a political contribution, a literal reading of the Code of Judicial Conduct would appear to prohibit one judge from soliciting another judge to purchase a ticket as the code prohibits a judge from soliciting funds for a political organization or candidate.

However, examining the reason and purpose of the code restriction, the committee does not believe it applies to the factual situation under discussion. If a judge were to solicit ticket purchases from the members of his service organization or members of the bar, such action would violate the code as it could give rise to a suspicion of impropriety. The judge could be viewed as using his position to subtly push the dinner tickets. Here we do not have a situation where a judge could be viewed as using his office to sell tickets. There can be no pressure as between two judges, neither of whom works for or is under the control of the other. It is not a violation for one judge to communicate with another judge as set forth in the first fact situation presented.

In both situations, the portion of the purchase price of the ticket determined to be a political contribution must be considered as part of the judge's allowable contribution for the year.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canon 7 (1985).

Other References

Arizona Judicial Ethics Advisory Committee, Opinion [76-01](#) (Jan. 6, 1976).